

REMARKS

This Amendment is to the final Office Action mailed December 21, 2003. Claims 1 to 35, 38 to 73 and 95 to 115 were pending previously in this application. Claims 36, 37 and 74 to 94 were previously withdrawn from consideration. Claims 1, 16, 17, 25, 29, 33, 38, 44, 50, 53, 62, 69, 95, 99, 105 and 110 have been amended herein. Claims 9, 30, 49, 59, 67, 72, 98, 102, 109 and 114 have been canceled without prejudice or disclaimer.

In the Office Action, claims 1, 3 to 35, 38 to 42, 44 to 48, 51 to 58, 60 to 66, 68 to 71, 73, 95 to 97, 99 to 101, 103 to 108, 111 to 113 and 115 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,527,274 to Zakko ("*Zakko*"). Claims 43, 72, 98 and 114 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,543,087 to Sommercorn et al. ("*Sommercorn*"). Claim 2 was rejected under 35 U.S.C. § 103(a) as being obvious in view of *Zakko* and U.S. Patent No. 5,057,075 to Moncrief et al. ("*Moncrief*"). Claims 49, 50, 59, 67, 102 and 109 were objected to but would otherwise be allowed if rewritten in independent form with all preceding limitations.

The limitations of claims 49, 59, 67, 102 and 109 have been incorporated into independent claims 44, 53, 62, 99 and 105, respectively. Claims 49, 59, 67, 102 and 109 have therefore been canceled without prejudice or disclaimer and added. Claim 50 has been amended to depend from claim 44 and not for any narrowing or statutory reason. The amendment disclaims no subject matter. Applicants therefore respectfully submit that independent claims 44, 53, 62, 99 and 105 and claims 45 to 48, 50 to 52, 54 to 58, 60, 61, 63 to 66, 68, 100, 101, 103, 104 and 106 to 108 that depend respectively from those independent claims are in condition for allowance.

Independent claims 1, 16, 29 and 33 have each been amended to include the limitations of objected to claims 49, 59, 102 and 109, namely, that the patient inflow portion (or corresponding language) is connected to the patient outflow portion (or corresponding language) by a substantially straight portion when in an unstressed condition. Claims 9 and 30 have been canceled without prejudice for containing the same or similar limitations. Claims 10 and 11 have been amended to depend from claim 1 and not for any narrowing or statutory reason. The amendments disclaim no subject matter. Claim 17 has further been amended to comply with the present

language of claim 16 and not for any narrowing or statutory reason. The amendment disclaims no subject matter. Applicants therefore respectfully submit that independent claims 1, 16, 29 and 33 and claims 2 to 8, 10 to 15, 17 to 24, 31, 32, 34 and 35 that depend respectively from those independent claims are in condition for allowance.

Independent claims 25, 38, 69, 95 and 110 have each been amended to include the limitations of objected to claim 67, namely, that the first and second lumens have different lengths. Claims 72, 98 and 114 have been canceled without prejudice for containing the same or similar limitations. Applicants therefore respectfully submit that independent claims 25, 38, 69, 95 and 110 and claims 26 to 28, 39 to 43, 70, 71, 73, 96, 97, 11 to 113 and 115 that depend respectively from those independent claims are in condition for allowance.

Prior amendments to certain independent claims have been removed to improve readability and because the allowable subject matter was determined in the first office, prior to those amendments, and did not require any limitations from the language being removed. Applicants remind the Examiner that this Amendment has been mailed within two months of the mailing date of the final Office Action and of the extension of time policy under 37 C.F.R. 1.136(a) is applicable.

For the foregoing reasons, Applicants respectfully submit that the above-identified patent application is now in a condition for allowance and earnestly solicit reconsideration of same.

Respectfully submitted,

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